

Senate File 2355 - Reprinted

SENATE FILE 2355
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3066)

(As Amended and Passed by the Senate February 23, 2010)

A BILL FOR

1 An Act relating to the licensure of persons engaged in fire
2 protection system installation, maintenance, repair,
3 service, or inspection.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 100C.6, subsection 4, Code Supplement
2 2009, is amended to read as follows:

3 4. Relieve any person engaged in fire ~~sprinkler protection~~
4 system installation, maintenance, repair, service, or
5 inspection as defined in section 100D.1 from obtaining a fire
6 ~~sprinkler protection system~~ installer and maintenance worker
7 license as required pursuant to chapter 100D.

8 Sec. 2. Section 100D.1, subsections 1, 5, and 8, Code
9 Supplement 2009, are amended to read as follows:

10 1. *"Apprentice ~~sprinkler fitter~~"* *fire protection system*
11 *installer and maintenance worker* means a person who is
12 registered in an apprenticeship program approved by the
13 United States department of labor who is engaged in learning
14 the fire protection system industry trade under the direct
15 supervision of a responsible managing employee of a certified
16 fire extinguishing system contractor or licensed fire
17 sprinkler protection system installer and maintenance worker
18 ~~and who is registered with the United States department of~~
19 ~~labor, office of apprenticeship other than a trainee.~~

20 5. *"Fire protection system"* means a sprinkler, standpipe,
21 hose system, special hazard system, dry systems, foam systems,
22 or any water-based fire protection system, ~~either~~ whether
23 engineered or pre-engineered and whether manual or
24 automatically activated, used for fire protection purposes
25 ~~that is composed of~~ which may include an integrated system of
26 underground and overhead piping and which may be connected to
27 a water source. ~~For licensing purposes only "fire protection~~
28 ~~system" does not include the water service piping to a structure~~
29 ~~or building from a city water main.~~

30 8. *"Fire ~~sprinkler protection system~~ installer and*
31 *maintenance worker"* means a person who, having the necessary
32 qualifications, training, experience, and technical knowledge,
33 conducts fire protection system installation and maintenance,
34 and who is licensed by the department to install or maintain
35 the types of fire protection systems endorsed on the license.

1 Sec. 3. Section 100D.1, Code Supplement 2009, is amended by
2 adding the following new subsections:

3 NEW SUBSECTION. 8A. "*Preengineered fire protection system*"
4 means a fire protection system that has a predetermined flow
5 rate, nozzle pressure, and quantity of extinguishing agent.

6 NEW SUBSECTION. 9. "*Responsible managing employee*" means
7 an owner, partner, officer, or manager employed full-time
8 by a fire extinguishing system contractor who is certified
9 by the national institute for certification in engineering
10 technologies at a level three in fire protection technology,
11 automatic sprinkler system layout, or another certification in
12 automatic sprinkler system layout recognized by rules adopted
13 by the fire marshal pursuant to section 100C.7 or who meets any
14 other criteria established by rule.

15 NEW SUBSECTION. 9A. "*Routine maintenance*" means the repair
16 or replacement of existing fire protection system components of
17 the same size and type for which no changes in configuration
18 are made, and does not include any new installation or the
19 expansion or extension of any existing fire protection system.

20 NEW SUBSECTION. 10. "*Trainee*" means a person who is engaged
21 in learning the fire protection system industry trade under
22 the direct supervision of a responsible managing employee of a
23 certified fire extinguishing system contractor or licensed fire
24 protection system installer and maintenance worker and who is
25 not registered with the United States department of labor.

26 Sec. 4. Section 100D.2, subsections 1 and 2, Code Supplement
27 2009, are amended to read as follows:

28 1. On or after January 1, 2010, a person shall not perform
29 fire protection system installations or fire protection
30 system maintenance without holding a current, valid fire
31 sprinkler protection system installer and maintenance worker
32 license issued pursuant to this chapter, with appropriate
33 endorsements for that type of system, with the following
34 exceptions:

35 a. An employee of a fire extinguishing system contractor

1 working as an apprentice ~~sprinkler-fitter~~ fire protection
2 system installer and maintenance worker performing fire
3 protection system installation or maintenance under the
4 direct supervision of an on-site responsible managing employee
5 or licensed fire ~~sprinkler~~ protection system installer and
6 maintenance worker is not required to hold a current, valid
7 fire ~~sprinkler~~ protection system installer and maintenance
8 worker license.

9 b. ~~A person who installs or demolishes walls, ceilings,~~
10 ~~flooring, insulation, or associated materials or a person who~~
11 ~~demolishes sprinkler pipe fire protection system components~~ is
12 not subject to the provisions of this chapter ~~except~~ when the
13 work involves a complete sprinkler system. A person is not
14 required to be licensed in order to demolish part of a system
15 or a partial system, provided that the system is taken out of
16 service. If a system is restored to service after having been
17 taken out of service, the restoration work must be performed
18 by a person licensed pursuant to this chapter or a responsible
19 managing employee.

20 c. A person who is a responsible managing employee of a
21 fire extinguishing system contractor is not required to hold a
22 current, valid fire ~~sprinkler~~ protection system installer and
23 maintenance worker license, in order to perform fire protection
24 system installations or maintenance.

25 d. A trainee who works at all times under the direct
26 supervision of a licensed fire protection system installer and
27 maintenance worker, other than an unclassified person, may be
28 licensed to work on special hazard fire protection systems but
29 shall not be licensed to perform installation or maintenance
30 on a preengineered fire protection system or on an engineered
31 water-based fire protection system. A trainee license may be
32 renewed once and a person may work as a trainee for a maximum
33 of four years.

34 2. A licensed fire ~~sprinkler~~ protection system installer
35 and maintenance worker must be present at all locations

1 and at all times when fire protection system installation
2 work is being performed. At least one licensed fire
3 ~~sprinkler~~ protection system installer and maintenance
4 worker must be present for every three apprentice ~~sprinkler~~
5 ~~fitters~~ fire protection system installers and maintenance
6 workers or trainees performing work related to fire protection
7 system installation.

8 Sec. 5. Section 100D.2, subsection 6, Code Supplement 2009,
9 is amended by striking the subsection.

10 Sec. 6. Section 100D.3, Code Supplement 2009, is amended to
11 read as follows:

12 100D.3 Fire ~~sprinkler~~ protection system installer and
13 maintenance worker license.

14 1. The state fire marshal shall issue a fire ~~sprinkler~~
15 protection system installer and maintenance worker license to
16 an applicant who meets all of the following requirements:

17 ~~a. Possesses a minimum of four years of employment~~
18 ~~experience as an apprentice sprinkler fitter.~~

19 ~~b. a.~~ Has completed a ~~United States department of~~
20 ~~labor~~ fire protection apprenticeship program approved by the
21 United States department of labor, or has completed two years
22 of full-time employment or the equivalent thereof as a trainee.

23 ~~c. b.~~ Is employed by a fire extinguishing system
24 contractor. However, an applicant whose work on extinguishing
25 systems will be restricted to systems on property owned or
26 controlled by the applicant's employer may obtain a license if
27 the employer is not a certified contractor.

28 ~~d. c.~~ Has received a passing score on the national
29 inspection, testing, and certification star fire sprinkler
30 mastery exam or on an equivalent exam from a nationally
31 recognized third-party testing agency that is approved by
32 the state fire marshal, or is certified at level one by
33 the national institute for certification in engineering
34 technologies ~~based on general work elements, as defined~~
35 ~~by the national institute for certification in engineering~~

1 ~~technologies~~, and as specified by rule by the state fire
2 marshal, or is certified by another entity approved by the fire
3 marshal.

4 1A. The state fire marshal shall issue a fire protection
5 system installer and maintenance worker license with
6 endorsements restricted to preengineered fire protection
7 systems to an applicant who does not meet the requirements of
8 subsection 1 but does meet the following requirements:

9 a. To be endorsed as a preengineered kitchen fire
10 extinguishing system installer, has successfully completed
11 training and an examination verified by a preengineered system
12 manufacturer, an agent of a preengineered system manufacturer,
13 or an organization that is approved by the state fire marshal.

14 b. To be endorsed as a preengineered kitchen fire
15 extinguishing system maintenance worker, has successfully
16 completed training by the worker's employer or the system's
17 manufacturer and has passed a written or online examination for
18 preengineered kitchen fire extinguishing system maintenance
19 that is approved by the state fire marshal.

20 c. To be endorsed as a preengineered industrial fire
21 extinguishing system installer, possesses a training and
22 examination certification from a preengineered system
23 manufacturer, an agent of a preengineered system manufacturer,
24 or an organization that is approved by the state fire marshal.

25 d. To be endorsed as a preengineered industrial fire
26 extinguishing system maintenance worker, has been trained by
27 the worker's employer, and has passed a written or online
28 examination for preengineered industrial fire extinguishing
29 system maintenance that is approved by the state fire marshal.

30 2. The holder of a fire ~~sprinkler~~ protection system
31 installer and maintenance worker license shall be responsible
32 for license fees, renewal fees, and continuing education hours.

33 3. The license of a fire ~~sprinkler~~ protection system
34 installer and maintenance worker licensee who ceases to be
35 employed by a fire extinguishing system contractor shall

1 continue to be valid until it would otherwise expire, but the
2 licensee shall not perform work requiring licensure under
3 this chapter until the licensee is again employed by a fire
4 extinguishing system contractor. If the licensee becomes
5 employed by a fire extinguishing system contractor other than
6 the contractor which employed the licensee at the time the
7 license was issued, the licensee shall notify the fire marshal
8 and shall apply for an amendment to the license. The fire
9 marshal may establish by rule a fee for amending a license.
10 This subsection shall not extend the time period during which a
11 license is valid. This subsection does not apply to a licensee
12 whose work on extinguishing systems is restricted to systems on
13 property owned or controlled by the licensee's employer.

14 4. The fire marshal, by rule, may restrict the scope of work
15 authorized by a license with appropriate endorsements.

16 Sec. 7. Section 100D.4, subsections 1 and 2, Code Supplement
17 2009, are amended to read as follows:

18 1. An applicant for a fire ~~sprinkler~~ protection
19 system installer and maintenance worker license or renewal of
20 an active license shall provide evidence of a public liability
21 insurance policy and surety bond in an amount determined
22 sufficient by the fire marshal by rule.

23 2. If the applicant is engaged in fire ~~sprinkler~~ protection
24 system installer and maintenance worker work individually
25 through a business conducted as a sole proprietorship, the
26 applicant shall personally obtain the insurance and surety
27 bond required by this section. If the applicant is engaged in
28 the fire ~~sprinkler~~ protection system installer and maintenance
29 worker business as an employee or owner of a legal entity,
30 then the insurance and surety bond required by this section
31 shall be obtained by the entity and shall cover all fire
32 ~~sprinkler~~ protection system installer and maintenance worker
33 work performed by the entity.

34 Sec. 8. Section 100D.5, subsection 1, Code Supplement 2009,
35 is amended to read as follows:

1 1. ~~Adopt~~ After consultation with the fire extinguishing
2 system contractors and alarm systems advisory board established
3 pursuant to section 100C.10, adopt rules pursuant to chapter
4 17A necessary for the administration and enforcement of this
5 chapter.

6 Sec. 9. Section 100D.8, Code Supplement 2009, is amended to
7 read as follows:

8 **100D.8 Provisional licensure.**

9 1. An applicant for licensure under this chapter as a fire
10 ~~sprinkler~~ protection system installer and maintenance worker
11 who possesses a minimum of four years of experience as an
12 apprentice ~~sprinkler-fitter~~ fire protection system installer
13 and maintenance worker and who has not successfully passed the
14 licensure examination or achieved certification as required
15 pursuant to section 100D.3 by January 1, 2010, shall be issued
16 a license as a fire ~~sprinkler~~ protection system installer and
17 maintenance worker for a period ending no later than ~~June~~
18 ~~30~~ December 31, 2010. A provisional license shall be granted
19 upon presentation of satisfactory evidence to the fire marshal
20 demonstrating experience and competency in conducting fire
21 protection system installations and fire protection system
22 maintenance according to criteria to be determined by the fire
23 marshal in rule.

24 2. An applicant issued a provisional license pursuant
25 to this section shall pass the licensure examination or
26 achieve certification on or before ~~June 30~~ December 31, 2010,
27 in order to remain licensed as a fire ~~sprinkler~~ protection
28 system installer and maintenance worker. A provisional license
29 fee shall be established by the fire marshal by rule. No
30 provisional licenses shall be issued after ~~April~~ July 1, 2010.

31 Sec. 10. Section 100D.9, subsection 1, Code Supplement
32 2009, is amended to read as follows:

33 1. An applicant for licensure under this chapter, who
34 is employed as a fire ~~sprinkler~~ protection system installer
35 and maintenance worker as of July 1, 2008, shall be issued

1 a license upon presentation of satisfactory evidence to the
2 department of at least eight thousand five hundred hours of
3 experience as a fire ~~sprinkler~~ protection system installer and
4 maintenance worker and one of the following:

5 a. Presentation of a certificate of completion of a ~~United~~
6 ~~States department of labor, office of apprenticeship,~~ four-year
7 or five-year protection system apprenticeship program, approved
8 by the United States department of labor.

9 b. A passing score on the national inspection, testing and
10 certification star fire sprinkler mastery exam or an equivalent
11 exam from a nationally recognized third-party testing agency
12 that is approved by the state fire marshal.

13 c. ~~Certification, based upon general work elements,~~
14 ~~as defined by the national institute for certification in~~
15 ~~engineering technologies, at level I by the national institute~~
16 ~~for certification in engineering technologies, and or another~~
17 entity as specified by rule by the state fire marshal.

18 Sec. 11. Section 100D.10, Code Supplement 2009, is amended
19 to read as follows:

20 **100D.10 Reciprocal licenses.**

21 To the extent that another state provides for the licensing
22 of fire ~~sprinkler~~ protection system installers and maintenance
23 workers or similar action, the state fire marshal may issue
24 a fire ~~sprinkler~~ protection system installer and maintenance
25 worker license, without examination, to a nonresident fire
26 ~~sprinkler~~ protection system installer and maintenance worker
27 who has been licensed by such other state for at least three
28 years provided such other state grants the same reciprocal
29 licensing privileges to residents of Iowa who have obtained
30 a fire ~~sprinkler~~ protection system installer and maintenance
31 worker license upon payment by the applicant of the required
32 fee and upon furnishing proof that the qualifications of the
33 applicant are equal to the qualifications of holders of similar
34 licenses in this state.

35 Sec. 12. Section 100D.11, subsection 2, Code Supplement

1 2009, is amended to read as follows:

2 2. The provisions of this chapter shall not be construed
3 to apply to a person ~~employed full time as a custodian for a~~
4 ~~school corporation, hospital, or public facility, who performs~~
5 ~~fire sprinkler maintenance work involving no more than one~~
6 ~~sprinkler head or nozzle~~ only performing routine maintenance.

7 Sec. 13. Section 100D.13, subsection 1, unnumbered
8 paragraph 1, Code Supplement 2009, is amended to read as
9 follows:

10 The state fire marshal may issue a temporary fire
11 sprinkler protection system installer and maintenance worker
12 license to a person, providing that all of the following
13 conditions are met:

14 Sec. 14. Section 100D.13, subsection 1, paragraphs a and e,
15 Code Supplement 2009, are amended to read as follows:

16 a. The person is currently licensed or certified to perform
17 work as a fire sprinkler protection system installer and
18 maintenance worker in another state.

19 e. The person intends to perform work as a fire
20 sprinkler protection system installer and maintenance worker
21 only in areas of this state which are covered by a disaster
22 emergency declaration issued by the governor pursuant to
23 section 29C.6.

24 Sec. 15. Section 272C.1, subsection 6, paragraph af, Code
25 Supplement 2009, is amended to read as follows:

26 af. The department of public safety, in licensing fire
27 sprinkler protection system installers and maintenance workers
28 pursuant to chapter 100D.